MAYOR'S TASK FORCE ON VOLUNTARY COMPLIANCE WITH NON-SMOKING AREAS IN RESTAURANTS

August 20, 1984

To: City of Toronto Executive Committee

Subject: August 1984 Report of the Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants

Origin: The Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants, December 31, 1983 (c34exec84013:199)

Comments:

At its meeting on January 23, 1984, City Council adopted, as amended, Clause 56 of Executive Committee Report #4, which contains the following recommendation from the Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants:

> "That the Task Force compare the results of the 1984 survey with those of 1982 and report back to Council by August of 1984."

The survey in question was to determine the number of restaurants in the City with non-smoking areas.

Background

Since the original Smoking By-law (By-law 369-77) was passed in 1977, City Council has intermittently deferred including restaurants in the By-law with the expectation that restaurateurs would voluntarily establish non-smoking areas. In the Fall of 1982, in order to determine how successful this voluntary approach had been, City Council requested that the Department of Public Health survey City restaurants and determine how many had non-smoking areas. The survey found that 14% of restaurants in the City had non-smoking areas.

On January 24, 1983 City Council approved Clause 2 of Local Board of Health Report #2 regarding the establishment of a Task Force to encourage more voluntary compliance with non-smoking areas in restaurants. The Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants was established - chaired by Dr. William Shannon of the Department of Public Health. The Task Force includes representatives from the City of Toronto, the Ontario Heart Foundation, the Hotel Association of Metropolitan Toronto, the York-Toronto Lung Association, the Toronto Restaurant and Foodservices Association and the Canadian Cancer Society. The Non-Smokers' Rights Association declined an invitation to be represented on the Task Force.

The terms of reference for the Task Force are to:

1. Determine whether the approaches of the Ottawa Task Force would apply to Toronto.

2. Explore other approaches aimed at increasing voluntary compliance with non-smoking areas in restaurants.

3. Work cooperatively with the agencies represented on the Task Force in planning and implementing activities to increase voluntary compliance with non-smoking areas in restaurants.

After consultation with the Ottawa Task Force, the Toronto Task Force decided to follow a multifaceted approach. In brief, the activities undertaken by the Task Force included:

(1) a letter recommending development of non-smoking areas sent to all restaurateurs;

(2) a questionnaire sent to all restaurants soliciting information for inclusion in a pamphlet listing restaurants with non-smoking areas;

(3) development (using results of the questionnaire), promotion and circulation of a restaurant guide for non-smokers, entitled "Bon Appetit";

(4) a letter, along with a copy of the amendment to By-law 406-79 (which requires a sign be posted at the entrance to restaurants indicating whether non-smoking seating is provided), was sent from the Task Force seeking compliance and again encouraging restaurateurs to implement non-smoking areas;

(5) advocacy for non-smoking areas in restaurants was continued by the Hotel Association of Metropolitan Toronto and the Toronto Restaurant and Foodservices Associations to their members; and

(6) press releases regarding the amendment to By-law 406-79 included information about the quest for voluntary compliance.

The Task Force set the following objectives for 1983-84. In those restaurants with fewer than 40 seats, 5% would have non-smoking areas; 40-140 seats, 25% would have non-smoking areas; more than 140 seats, 50% should have non-smoking areas. In its January 1984 interim report the Task Force recommended that a survey of restaurants be conducted by the Department of Public Health to determine whether these activities had increased the number of restaurants with non-smoking areas. The results of that survey are presented below.

The Department of Public Health 1984 Survey of Non-Smoking Areas in Restaurants in the City of Toronto

Between March 1, 1984 and May 30, 1984 the Department of Public Health's public health inspectors carried out a survey of Toronto restaurants to determine how many had non-smoking areas. The data which they collected are outlined in this report. Some of the data are compared to the data collected by a similar survey in the latter part of 1982. In the Spring of 1984, 1,875 restaurants were surveyed. Of these, 320, or 17%, had non-smoking areas compared to 283 out of 2,032, or 14% in the 1982 survey. (See Table 1, below). Of the 1,117 restaurants surveyed, with seating for more than 40 persons, 280 (or 25%) had non-smoking areas.

It is difficult to be precise about the total number of restaurants in the City of Toronto. Each of the surveys took place over the space of 3 to 4 months, during which time some restaurants go out of business and new restaurants open. On an average there are about 2500 restaurants in operation in the City of Toronto at any given time. The surveys did not include every restaurant. This was because the public health inspectors completed the survey data on their routine restaurant inspections. In the time periods involved, not every restaurant was inspected. It is possible that a larger percentage of the restaurants which were not surveyed had non-smoking areas than those surveyed, or that a smaller percentage of those restaurants not surveyed had non-smoking areas. However, very great discrepancies are unlikely, and from the data we have, it would appear that between the Fall of 1982 and the Spring of 1984 there was a 3% (from 14% to 17%) increase in the number of Toronto restaurants with non-smoking areas.

The 1984 survey gathered the same information as the 1982 survey. The more recent survey also asked questions pertaining to the signs required by an amendment to By-law 406-79 (the Smoking By-law) which went into effect December 1, 1983. This amendment requires that a sign be posted at the entrance to a restaurant indicating whether or not there is a smoking only area or a smoking and non-smoking area. The 1984 survey also included questions about the pamphlet "Bon Appetit - A Guide to Toronto Restaurants with Non-Smoking Areas."

Further details of the findings follow:

GENERAL CHARACTERISTICS OF THE 1,875 RESTAURANTS SURVEYED:

a) Size of restaurants related to smoking and non-smoking areas:

- Of the 725 restaurants surveyed with fewer than 40 seats, 39 (or 5%) had non-smoking areas.

- Of those with 40 to 140 seats, 166 (or 20%) had non-smoking areas.

- Of those with more than 140 seats, 114 (or 41%) had non-smoking areas.

- Each of these three size categories of restaurants had a small increase from 1982 to 1984 in the percentage of those with non-smoking areas. (See Table 1 below.)

Table 1

	YEAR					
Size of Restaurant	1982			1984		
	Total	With Non-Smoking Areas	%	Total	With Non-Smoking Areas	%
Fewer than 40 seats	810	26	3%	752	39	5%
40 - 140 seats	912	137	15%	842	166	20%
More than 140 seats	303	119	39%	275	114	41%
Did not indicate size	7	1	---	6	1	---
Total	2,032	283	14%	1,875	320	17%

Of the 1,117 restaurants surveyed in 1984, with seating for more than 40 persons, 280 (or 25%) had non-smoking areas.

b) Location of Restaurants (for Health Area boundaries see map, Appendix 1).

- Of the 741 restaurants surveyed in the Downtown Health Area, 178 or 24% had non-smoking areas.
- Of the 531 in the Northern Health Area, 91 or 17% had non-smoking areas.
- Of the 317 in the Eastern Health Area, 24 or 8% had non-smoking areas.
- Of the 286 in the Western Health Area, 27 or 9% had non-smoking areas.
- Each of the Health Areas had a small increase from 1982 to 1984 in the percentage of restaurants with non-smoking areas. (See Table 2 below.)

Table 2

Health Area	Number of Restaurants Surveyed		Number with Non-Smoking Areas		Percent	
	1982	1984	1982	1984	1982	1984
DHA	851	741	192	178	23%	24%
NHA	605	531	68	91	11%	17%
EHA	299	317	13	24	4%	8%
WHA	274	286	10	27	4%	9%
Total	2029	1875	283	320	14%	17%

SIGNS POSTED TO INDICATE WHETHER OR NOT A NON-SMOKING AREA IS AVAILABLE

Of the 1,875 restaurants surveyed:

- A total of 468 or 25% had signs posted at the entrance to the restaurant
- 1407 restaurants, or 75% of the total did not have any signs
- 183 restaurants had signs at the entrance indicating they had a non-smoking area

- 285 restaurants had signs at the entrance indicating they did not have a non-smoking area

- 290 or 15% had signs which complied with the regulations in By-law 406-79

- 178 or 10% had signs at the entrance which did not comply with By-law 406-79

REASONS FOR NO NON-SMOKING AREAS

When asked why they did not have a non-smoking area in the restaurant the following replies were received:

381 respondents did not reply
60 said financial reasons
969 said that customers did not ask for them
14 said staff did not want them
275 gave other reasons

The majority of those respondents who gave other reasons said that the restaurant was too small or that the space in the restaurant was not adaptable to this use. Some noted that their premises were more like pubs or taverns than restaurants. A few stated that the ventilation systems removed the smoke.

Some respondents gave more than one reason.

CHARACTERISTICS OF THE 320 RESTAURANTS WITH NON-SMOKING AREAS

a) Signs

- 183 restaurants had signs at the entrance of the restaurant and 115 of these complied with the by-law

- 182 restaurants had signs in one area of the restaurant and 104 had signs on the tables

b) Policies About Asking Customer Preferences for Non-Smoking Areas

- In 126 restaurants the hostess/host asks whether the customer prefers a non-smoking area

- In 93 the hostess/host does not ask whether the customer prefers a non-smoking area

- In 96 there is no hostess/host and 5 did not reply

c) Use of Non-Smoking Areas

When asked whether the non-smoking areas were usually full:

55 respondents said yes
154 said sometimes
103 said no
12 did not reply

d) Size of Non-Smoking Areas

(1) When asked whether the non-smoking area was fixed or flexible:

200 respondents said fixed
120 said flexible

(2) When asked what the seating capacity of the non-smoking area was:

76 respondents indicated 10 seats or fewer
107 indicated 11 to 20 seats
87 indicated 21 to 40 seats
44 indicated more than 40 seats
8 did not reply

e) Bon Appetit

(1) When asked whether the pamphlet "Bon Appetit - a Guide to Toronto Restaurants with Non-Smoking Areas" was a helpful advertising method:

100 respondents said yes
28 said no
12 had other responses
176 said they did not know
4 did not reply

(2) When asked whether they would wish to be included in a new guide in 1984:

228 respondents said yes
83 said no
9 did not reply

NON-SMOKING AREAS IN NEW RESTAURANTS

When asked whether they would establish a non-smoking area if they opened a new restaurant:

548 respondents said yes
313 said no
884 said maybe
130 did not reply

COMMENTS

The majority of the respondents did not provide comments. Of those who did, the two most frequent comments were:

(1) That they intended to post a sign,

(2) That the restaurant was too small to have a non-smoking area.

A few (36) of the respondents indicated that they did not like legislation. A similar number (35) commented that they thought non-smoking areas were a good idea. Some respondents commented that because of the nature of their business there was little demand for non-smoking areas. Others indicated that they try to provide non-smoking seating when customers ask for it.

SUMMARY

Of the 1,875 restaurants surveyed, 320 (or 17%) had non-smoking areas.

Of the 1,117 restaurants surveyed with seating for 40 or more persons, 280 (or 25%) had non-smoking areas.

The results of the 1984 survey are similar to those of the 1982 survey. In 1982, 2,032 restaurants were surveyed and 283 had non-smoking areas. The percentage of restaurants with non-smoking areas appears to have increased from 14% in 1982 to 17% in 1984.

The majority of the restaurants with non-smoking areas were in the Downtown Health Area. Larger restaurants were more likely to have non-smoking areas then smaller restaurants.

The majority of the respondents indicated that they would consider establishing a non-smoking section if they opened a new restaurant.

Only 100 respondents with non-smoking areas in their restaurants considered the pamphlet "Bon Appetit" to be a helpful advertising method and 228 said they would like to be included in a new pamphlet.

Another important finding of this survey is that only 290 restaurants or 15% of those surveyed had signs posted at the entrances which complied with the amendment to By-law 406-79.

Appendix 2 includes a copy of the questionnaire with the accumulated data.

The Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurant submitted an interim report to City Council in January, 1984. Council amended this report by adding the following:

"It is recommended:

(1) that Council indicate its intention to introduce legislation requiring restaurants providing seating for more than 40 persons to establish no smoking areas in the Fall of this year if the results of the survey to be conducted in February, March and April, 1984 do not show that at least one third of such restaurants in the City of Toronto have not already established such seating;"

The results of the 1984 survey indicate that 25% (1/4) of the restaurants with 40 or more seats provided non-smoking areas.

The members of the Task Force had also set the following criteria by which they would consider their activities as successful.

(1) "In those restaurants with fewer than 40 seats 5% should have non-smoking areas." Of those restaurants of this size in the survey 5% did have non-smoking areas.

(2) "In those restaurants with 40-140 seats 25% should have non-smoking areas." Of those restaurants of this size in the survey, only 20% had non-smoking areas.

(3) "In those restaurants with more than 140 seats, 50% should have non-smoking areas." Of those restaurants of this size in the survey only 41% had non-smoking areas.

DISCUSSION

In discussing the results of the 1984 survey in comparison with the 1982 survey and the many other components of the work of the Task Force, the members of the Task Force were not able to reach a consensus on any recommendations including the consideration of an amendment to the Smoking By-law (By-law 406-79).

However, the members of the Task Force did agree that this report should address the Task Force activities, the survey findings, and outline differences that exist among the diverse groups represented on the Task Force. The Chairman of the Task Force was directed to identify any consensus among the members and to make recommendations regarding the mandate of the Task Force. The member agencies agreed to state their positions in appendices to the report (See Appendices 3 - 6).

The statistics gathered by the Department of Public Health indicate that there has been a general increase in the number of restaurants that provide non-smoking areas - from 14% in 1982 to 17% in 1984. The 1984 percentages ranged from a low of 8% in the Eastern Health Area to a high of 24% in the Downtown Health Area. Regarding the restaurants with 40 or more seats; 21% (256 of 1,215) provided non-smoking areas in 1982 and 25% (280 of 1,117) in 1984.

The 17% of all of the restaurants and 25% of restaurants with 40 or more seats voluntarily providing non-smoking areas is less than the number targeted by the Task Force and well below the targeted 33 1/3% of City Council. There was an increase but the increase was much less than expected by all parties.

Of equally great concern are the findings of the 1984 survey, which indicate that three to six months after the amendment to By-law 406-79 was enacted, only 15% (290 of 1,875) of the restaurants had posted the required smoking/non-smoking signs.

City of Toronto Executive Committee August 20, 1984

Recommendations from the Chairman, Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants:

(1) That the City of Toronto further amend By-law 406-79 to include restaurants, taking into consideration the findings of the Task Force and the stated positions of the various members.

(2) That the Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants be disbanded.

WJS/ew

William J. Shannon, Ed.D.
Chairman, Mayor's Task Force
on Voluntary Compliance with
Non-Smoking Areas in Restaurants

CITY OF TORONTO
NORTHERN HEALTH AREA
WESTERN HEALTH AREA
EASTERN HEALTH AREA
DOWNTOWN HEALTH AREA
Yonge
Lawrence
Eglinton
Briar Hill
Blythwood
Bathurst
Dufferin
C.N.R.
C.N.R.
St. Clair C.P.R.
CITY LIMIT
Bloor
Humber River
Q.E.W.
Don R.
Pape
Greenwood
Coxwell
Woodbine
Victoria Park
Danforth
C.N.R.
Kingston
Queen
Toronto Bay
CENSUS TRACTS
IN EFFECT SINCE 1971
0 5000 10000 FT.
CITY OF TORONTO PLANNING BOARD
37-688

Appendix 2

City of Toronto
Department of Public Health

RESTAURANT SURVEY

City Council has asked the Department of Public Health to find out whether there has been an increase in the number of restaurants with non-smoking areas, so I'd like to ask you a few questions.

This information will be kept in confidence and no information about individual restaurants will be released by the Department of Public Health.

TO BE FILLED IN BY INSPECTOR AFTER VISUAL INSPECTION.

1. Name of restaurant _____

2. Address _____

3. Size of restaurant (check one):

752	fewer than 40 (Code 350)
842	40 - 140 (Code 355)
275	more than 140 (Code 360)
6	no response

4. A NON-SMOKING AREA WILL BE DESIGNATED BY A VISIBLE NO-SMOKING SIGN.

a) Is there a sign indicating that there is <u>not</u> a non-smoking area posted at the front of the restaurant?

285	Yes
1547	No
43	No Response

b) Is there a sign indicating that there <u>is</u> a non-smoking area posted at the front of the restaurant?

183	Yes
1631	No
61	No Response

IF NO SIGN --- SKIP PART c)

c) Does this sign comply with by-law 406-79?

290	Yes
73	No

d) Is there a no-smoking sign in one area of the restaurant?

182 Yes
1571 No
122 No Response

e) Are there no-smoking signs on the table?

104 Yes
1643 No
128 No Response

INSPECTORS SHOULD ASK THE FOLLOWING QUESTIONS:

5. Do you have a non-smoking area? (or I see you have a non-smoking area)

320 Yes
1465 No
90 No Response

IF NO, GO TO QUESTIONS 6 & 13 THROUGH 16

6. Can you tell me why not (check one)?

60 financial reasons
14 staff doesn't want it
969 customers don't ask for it
275 other (please specify) _____

_____

381 No Response

IF YES,

7. Is it a fixed size or flexible area?

200 fixed size
120 flexible

8. What is the seating capacity of the no-smoking area?

(see text) seats (WRITE IN NUMBER) IF SIZE IS FLEXIBLE, GIVE AN AVERAGE.

9. Is it your policy for the host/hostess to ask customers if non-smoking area is desired?

126 Yes
93 No
96 No host/hostess

10. When reservations are being made on the telephone, is it the policy for patrons to be asked if a non-smoking area is desired?

65 Yes
93 No
157 Do not take phone reservations

11. Is you non-smoking area usually full?

55 Yes, always
154 Yes, sometimes
103 No

12. a) Do you think that the Bon Appetit - Guide to Toronto Restaurants with Non-Smoking Areas was a helpful advertising method?

100 Yes
28 No
178 Don't know
12 Other
4 Did not reply

b) If a new guide was printed in 1984 would you wish to have your restaurant listed in it?

228 Yes
83 No
9 Did not reply

13. If you were opening another restaurant, would you establish a non-smoking area?

548 Yes
313 No
884 Maybe
130 No Response

14. Do you have any comments or questions?

_____

_____

_____

TO BE FILLED IN BY INSPECTOR AT END OF VISIT:

15. Date of questionnaire:

☐☐	☐☐	☐☐
Year	Month	Day

16. Inspector ID: _____

☐☐☐

Appendix 3

The Hotel Association
of Metropolitan Toronto

34 Ross Street,
Toronto, Ontario M5T 1Z9
596-7676

August 7, 1984

Dr. William J. Shannon, Ed.D.
Chairman
Mayor's Task Force on Voluntary Compliance
with Non-Smoking Areas in Restaurants
City of Toronto
Department of Public Health
City Hall
Toronto, Ontario
M5H 2N2

Dear Mr. Shannon:

We are in receipt of your letter of July 30th together with a draft copy of your report. As you are no doubt aware, we have strongly supported the concept of voluntary compliance with the belief that the hospitality industry is more than prepared to meet the demand for non-smoking areas when such a demand exists.

Conversely, we strongly oppose any move to make mandatory any non-smoking requirement than includes a designated percentage of non-smoking seating.

Our major concerns at the present time are as follows:

1. Experience has shown that the existing signage requirement which is covered in a by-law is not being enforced or complied with. We believe there should be no further by-laws until existing by-laws are enforced.

2. We believe that any move to exclude restaurants based on seating would be discriminatory and should render any by-law invalid.

3. The current definition of restaurant includes lounge licenses which do not require the sale of food. As an attempt to deal with the problems of excess consumption and drinking and driving, we have been actively encouraging taverns to serve food. A by-law could result in the disappearance of food from these establishments reversing our efforts to promote moderation.

4. We believe that a by-law would have a negative economic impact on restaurants and could result in bankruptcy for many small and medium sized properties through a by-law which could restrict the use of their limited seating.

In closing, may I remind you of your advice that function rooms in hotels would not be included in the by-law. We have welcomed the opportunity to be involved in this discussion and we appreciate your efforts as Chairman in attempting to develop a consensus from groups that promote positions that range from the desire for a ban on smoking to our position that the patron should determine whether or not non-smoking areas should be provided.

Yours truly,

(signed)
Russell W. Cooper
Executive Director

RWC/CRS

Appendix 4

Heart and Stroke Foundation
of Ontario

576 Church Street
Toronto, Ontario
M4Y 2S1

August 8, 1984

Dr. William J. Shannon
Chairman
Mayor's Task Force on Voluntary Compliance
with Non-Smoking Areas in Restaurants
City of Toronto
Department of Public Health
City Hall
Toronto, Ontario
M5H 2N2

Dear Dr. Shannon:

I am writing to provide comments on your report from the Mayor's Task Force on Voluntary Compliance with Non-Smoking Areas in Restaurants, as requested in your letter of July 30, 1984. As a member of the Task Force I was very pleased to have the opportunity to represent the Heart and Stroke Foundation of Ontario to encourage voluntary compliance. The Heart and Stroke Foundation continues to be highly supportive of the development of non-smoking areas in restaurants and continues to encourage legislation requiring non-smoking areas in restaurants. While I feel that the activities of the Task Force were supportive and useful in encouraging voluntary compliance, I feel that the results are not significant enough to view this as an effective method of achieving non-smoking areas in restaurants in Toronto. We would strongly support a by-law requiring a non-smoking area with a minimum seating of 30% capacity for the City of Toronto.

As a representative of the Heart and Stroke Foundation of Ontario I thank you for the opportunity of working with the other members of the Task Force to encourage voluntary compliance.

Yours truly,

(signed)
David B. Armour
Regional Director,
Metropolitan Toronto Region

Chairman, Metro Toronto Inter-Agency
Council on Smoking and Health

DBA/lt

Appendix 4

Toronto Restaurant and
Foodservices Association

Park Plaza Hotel, Suite 302
170 Bloor St. West
Toronto, Ontairo M5S 1T9
923-7135

August 10, 1984

Ms. Marilyn Bowers
Health Educator
Department of Public Health
Comunity Health Promotion
7th Floor
East Tower
City Hall, Toronto
M5H 2N2

Dear Marilyn:

As discussed by phone, this will confirm the position of Toronto Restaurant and Foodservices Association in connection with the report to the Executive Committee of City Council from the Mayor's Task Force on voluntary compliance with non-smoking areas in restaurants.

TRFA records its dissent from approval of a no-smoking by-law that would require restaurants to allocate a fixed percentage of customer seating for provision of a no-smoking section.

It is our understanding that the above position will be conveyed as an appendix to the Task Force report.

Sincerely yours,

(signed)
Roy C. Huddart
Executive Director

RCH:MB

Appendix 6

CN TOWER
LA TOUR CN

301 Front Street West
Toronto, Canada M5V 2T6
(416)360-8500

August 7, 1984

Mr. William J. Shannon, Ed.D.,
Chairman,
Mayor's Task Force on Voluntary
Compliance with Non-Smoking Areas
in Restaurants,

c/o Marilyn Bowers,
City Hall,
Toronto, Ontario M5H 2N2.

Dear Mr. Shannon:

Congratulations on the increase in restaurants having non-smoking areas.

We implemented a no-smoking area in the Top of Toronto Restaurant on April 25th and our customers have reacted favourably to this move. Our seating selection is allocated by our computer so it is easy to separate smokers from non-smokers.

I have to agree with Bob Cowan's recommendation that the non-smoking areas should be flexible so the operator can increase or decrease seating as the demand warrants.

Yours very truly,

(signed)
David E. Garrick
President